

## **II. Remarks**

Reconsideration and re-examination of this application, in view of the above amendments and the following remarks, is herein respectfully requested.

After entering this amendment, Claims 1-7, 9, 10, 12-31 remain pending. Claims 2-7, 9, 12, 13, 15, 18, 27 are amended. Claims 8 and 11 are cancelled.

### ***Allowable Subject Matter***

The Applicants acknowledge the Examiner's indication that Claims 1, 10, 13, 14, 16, and 17 are allowed. Claims 2-7, 9, 12, and 15 would be allowable if rewritten to overcome the rejections as set forth below under 35 U.S.C. § 112, second paragraph, and include all of the limitations of the base claim and any intervening claims. Claims 18-31 would be allowable if amended to overcome the rejections as set forth below under U.S.C. § 112, second paragraph.

### ***Claim Rejections – 35 U.S.C § 112***

Pending Claims 2-7, 9, 15, and 18-31 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicants regard as the invention. More specifically, the Office Action indicates that Claims 2-7 and 12 lack the necessary antecedent basis for use of the word "granules." In Claims 9, 15, 18, and 27, the Office Action indicates that the use of the phrase "the group including" fails to disclose the referenced Markush group. The Office Action states that Claim 18 lacks the antecedent basis necessary for use of the limitation "the desired grain size." Finally, the Examiner recommends that the Applicants change the term "can be" to the term "is capable of being" in Claim 13.

Responsive to this rejection, the Applicants have amended Claims 2-7 to provide the necessary antecedent basis by replacing the term "granules" as used in these dependent claims with the term "granular material" as stated in Claim 1. Claim 12 has been amended to provide the necessary antecedent basis by replacing the term "granules" with the term "grains of granular material" as defined in Claim 1 in regards to porosity. The Applicants have amended Claims 9, 15, 18, and 27 to disclose the referenced Markush group by replacing the term "including" with the term "of" immediately preceding the list of Markush group members. In Claim 18 the Applicants have deleted the term "the desired grain size" from the claim, thereby eliminating the need for antecedent basis for said term. Finally, in Claim 13 the Applicants changed the term "can be" to the term "is capable of being" as suggested by the Examiner. No new matter was introduced in making these amendments.

The Applicants believe that Claims 2-7, 9, 15, and 18-31 as amended render the 35 USC §112 rejections moot and are allowable for the reasons cited above. Favorable reconsideration of amended Claims 2-7, 9, 15, and 18-31 is respectfully requested.

### ***Conclusion***

Since the amendments made to the claims are well supported by the original claims and specification, the amendments do not represent the addition of any new matter.

In view of the above amendments and remarks, it is respectfully submitted that the present form of the claims are patentably distinguishable over the art of record and that this application is now in condition for allowance. Such action is requested.

Should the Examiner feel a discussion would expedite the prosecution of this application, the Examiner is kindly invited to contact the undersigned agent for the Applicants (734-302-6007).

Respectfully submitted,

April 9, 2009  
Date

/Keith Weiss/  
Keith Weiss (Reg. No. 55,720)